

## **REMARKS**

Reconsideration of the application in view of the present amendment is respectfully requested.

With the present amendment the specification has been amended to replace the term objected to by the Examiner. Claims 1-3 and 7 have been amended to align the terminology therein with that of the specification.

Based on the foregoing amendments and the following remarks the specification is deemed to be in condition for allowance, and action to that end is respectfully requested.

The Examiner rejected claim 1 and 8-10 under 35 U.S.C. §102(a) as being anticipated by Rebentisch, U.S. Patent No. 4,784,552. Claims 3-5 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rebentisch in view of Warren et al., U.S. Patent No. 1,181,494.

It is respectfully submitted that claims 1-4 and 7-11 are patentable over the cited references. Specifically, claim 1 recites a relative rotation-providing device formed as a transformation device for converting a translational movement of the fastening means relative to the stop in a rotational movement of the rear

engagement member relative to the stop for displacing the rear engagement member from the first position (in which the rear engagement member has been introduced into the mounting opening) to the second position (in which the rear engagement member engages from behind the holding protections of a hollow body).

No such device is disclosed in Rebentisch. In Rebentisch, the spring element (38) according to Rebentisch (US '552) is arranged on a side of the rear engagement member faced away from the stop and brings the rear engagement member of the attachment system into contact with the holding projections of the hollow body after inserting it in a first position and turning it into the second position of the rear engagement member for a temporarily holding of the attachment system in a position on the hollow body. By moving the screw in direction of the stop the contact between the rear engagement member and the holding projections is released and the attachment system is movable along the longitudinal opening of the hollow body to a desired position. By turning the screw the attachment system is releasably fixed on the hollow body. No rotation of the engagement member relative to the stop member (32) takes place when the bolt (22) is displaced relative to the stop member (32).

In view of the above, it is respectfully submitted that Rebentisch does not disclose a transformation device for converting a translational movement of the fastening means relative to the stop in a rotational movement of the rear engagement member relative to the stop for displacing the rear engagement member from the first position (in which the rear engagement member has been introduced into the mounting opening) to the second position (in which the rear engagement member engages from behind the holding protections of a hollow body).

According to case law, in order to meet a “means-plus-function” limitation, the prior art must (1) perform the identical function recited in the means limitation and (2) perform that function using the structure disclosed in the specification or an equivalent structure. *Cf. Carroll Touch Inc. v. Electro Mechanical Sys. Inc.* 15 F.3d 1573, 1578 27 USPQ2d 1836, 1840 (Fed. Cir. (1994); *Valmont Indus., Inc. v. Reinke Mfg. Co.*, 983 F.2d 1039, 1042 25 USPQ2d 1451, 1454 (Fed. Cir 1993); *Johnston v. IVAC Corp.*, 885 F.2d 1574, 1580, 12 USPQ2d 1382, 1386 (Fed. Cir. 1989).

It is respectfully submitted that Rebentisch does not meet any of the above-discussed criteria.

Since Rebentisch fails to disclose each and every feature of independent claim 1, Rebentisch, as a matter of law, does not anticipate the present invention as defined by said independent claim.

In view of the above, it is respectfully submitted that Rebentisch does not anticipate or make obvious the present invention as defined in claim 1, and the present invention is patentable over Rebentisch.

Warren, likewise, does not disclose the novel features of the present invention.

Claims 2-4 and 7-10 depend on claim 1 and are allowable for the same reasons claim 1 is allowable and further because of specific features recited therein which, when taken alone and/or in combination with features recited in claim 1, are not disclosed or suggested in the prior art.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order

to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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